

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

**DENISE TALARICO, individually :
and as administratrix of the :
ESTATE OF JAMES J. TALARICO, :**

Plaintiff : CIVIL ACTION NO. 3:16-0082

**v. :
(JUDGE MANNION)**

**SKYJACK, INC., and :
UNITED RENTALS :
(NORTH AMERICA), INC., :**

Defendants :

ORDER

In accordance with the memorandum issued this same day, **IT IS
HEREBY ORDERED THAT:**

- (1)** defendant United Rentals' partial motion to dismiss, (Doc. [15](#)), paragraph 44(h) of plaintiff's amended complaint, (Doc. [9](#)), is **GRANTED**;
- (2)** all of plaintiff's claims of liability for failure to recall or retrofit the scissor lift are **DISMISSED WITH PREJUDICE**;
- (3)** defendant United Rental is directed to file its answer to the remaining claims in plaintiff's amended complaint within fourteen days of the date of this Order.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: June 13, 2016